



NOAA Fisheries Service Issues Protective Regulations under the Endangered Species Act for Threatened Upper Columbia River Steelhead

Feb. 1, 2006

Today's Action

Today the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries Service) announced its final Endangered Species Act (ESA) protective regulations for the population of steelhead in the upper Columbia River (Washington). Upper Columbia River steelhead were listed as an endangered species in 1997, but were recently upgraded to threatened status on Jan. 5, 2006. NOAA Fisheries Service is applying the protective regulations already afforded other West Coast salmon and steelhead listed as threatened under the ESA, finding that these protections are necessary and advisable for conservation of steelhead in the upper Columbia River.

Background

The ESA prohibits the import/export, "take," and commercial transactions of all species listed as endangered. The term "take" means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct." While these take protections apply automatically to all endangered species, no such protections apply automatically to species listed as threatened. In the case of threatened species, the ESA leaves it to the Secretary of Commerce's discretion whether and what extent to apply the take and other prohibitions afforded endangered species, directing the agency to issue regulations it deems necessary and advisable for the conservation of the species. Protective regulations for threatened species (termed "4(d)" protective regulations after the authorizing section in the ESA) may prohibit some or all of the acts prohibited with respect to endangered species, and may also provide "limits" or exemptions for certain activities determined to be consistent with the conservation and recovery of threatened salmon and steelhead.

In August 1997 upper Columbia River steelhead were listed as an endangered species, and thus were subject to the prohibitions against take afforded endangered species under the ESA. After conducting an updated status review of listed West Coast steelhead, we proposed in June 2004 to list upper Columbia River steelhead as threatened. As part of the proposed listing determination we proposed applying amended 4(d) protective regulations to all threatened salmon and steelhead species, including upper Columbia River steelhead. In June 2005 we finalized amended 4(d) protective regulations that provide necessary flexibility to manage hatchery production and directed take of threatened salmon and steelhead, and that extend the same set of limits exempting a range of activities conducted consistent with the conservation of listed salmon and steelhead. On Jan. 5, 2006, we issued a final determination listing upper Columbia River steelhead as threatened, and announced that we would finalize the protective regulations for this population at a later date. In today's action we are applying the 4(d) protective regulations, as amended in June 2005, to upper Columbia River steelhead.

Final Protective Regulations for Upper Columbia River Steelhead

The take prohibitions afforded endangered species under the ESA will apply to natural- and hatchery-origin upper Columbia River steelhead with an intact adipose fin, but not to listed hatchery steelhead

that have had their adipose fin removed before release into the wild. Certain activities may be exempted from the take prohibitions, provided that they meet specific conditions to adequately protect upper Columbia River steelhead and other listed species. These exempted activities may include:

- Scientific research and enhancement activities
- Emergency actions to rescue or salvage injured, stranded, or dead threatened salmon and steelhead
- Fishery management activities
- Hatchery and genetic management programs
- Park pest management activities
- Certain development and redevelopment activities
- Tribal resource management plans.

More information about the updated status review, listing determination, and protective regulations for upper Columbia River steelhead is available at <http://www.nwr.noaa.gov>.